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EXAMINER	
FOSSELMAN, JOEL W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/808,894	ELLIS, GREGORY DUANE	
	Examiner	Art Unit	
	JOEL FOSSELMAN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,60-103 and 106-115* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12, 60-103, and 106-115* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/21/10 has been entered.

Response to Amendment

2) The amendment filed on 04/21/2010 in response to the previous Final Office Action (01/26/2010) is acknowledged and has been entered. Claims 1-12, and 60-115 are currently pending.

Response to Arguments

3) Applicant's arguments with respect to claims 1-12, and 60-115 have been considered but are not persuasive.

4) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5) Re claim 1, applicant alleges that Liwerant is only streaming for playback, not streaming for recording (Remarks p27). Examiner respectfully disagrees.

6) Liwerant discloses that sender A using a computer 10 sends a video segment in file form and any associated audio material (or a plurality of still images with their associated audio files). The streaming server D 40 transmits the video in streaming video format to the machine-readable storage 50, which, at the direction of the streaming server D 40, can store the video in streaming video format and also can store an identification tag for the video on itself or on the databases 60, 61 (figure 1A, pars [0045] and [0048]). Streaming in the broadest reasonable interpretation comprises transferring data so that it can be received and processed in a steady stream. Clearly, Liwerant streams the video segment to the streaming server so that the server is able to transmit the video in streaming video format to the machine-readable storage 50.

7) Applicant further alleges that Liwerant discloses no mechanism for how it [Liwerant's invention] could deliver browser-executable code that is executed through the Internet browser at the user front end and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over the internet (Remarks p28). Liwerant discloses a user of the system, such as a private individual working from home, or a professional working from a business, employs a computer

system 10. The computer system 10 can include a computer which can be a personal computer of conventional type such as a desktop or laptop computer, a hand held device such as a PDA, or a more powerful computer such as a workstation, a server, a minicomputer, a mainframe, or the like. The computer system 10 can operate software including a web browser such as Microsoft Internet Explorer or Netscape Navigator or Communicator or the like, for communication over a network such as the Internet using the World Wide Web (hereinafter "the Web"), or to permit wireless communication. The computer system 10 can operate software that can manipulate video segment files. Conventional commercially available personal computers typically have sufficient capability to meet these requirements (par [0077]). A typical computer provides a more than adequate mechanism for delivering browser-executable code which is executed through an Internet browser.

8) Applicant alleges that Ludwig fails to teach or suggest that the audio and video material is streamed over the Internet as it is being captured with the recording device, not as a complete video file on the user front end, without using any recording software stored on the user front end (Remarks p29). Examiner respectfully disagrees.

9) Ludwig discloses a multimedia conference recording system which utilizes real-time network delivery of audio and video to a network storage server. Once a multimedia network connection is established between client workstations and the audio/video storage, as soon as the client starts

recording, the storage server routes the output from the compression hardware to an audio/video file allocated on its local storage devices (par [0230]). Although, Ludwig discloses using client multimedia workstation (CMW), so called “workstation software”, Ludwig does not mention that the software is used as recording software. CMW is used to establish a connection between client workstations and the audio/video storage. This connection allows a user to record an output from compression hardware to an audio/video file on storage device via the real-time audio/video storage server. There is no proof that Ludwig uses “recording software” even though "workstation software" is used to establish a connection between the workstation and the storage server.

10) In response to applicant’s argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, One of ordinary skill in the art at the time of the invention was made would have been motivated to combine the conference recording

system of Ludwig with the internet based recording method of Liwerant in order to reduce the amount of time needed to send video and audio to another client station as well as allowing a user to view and later review the audio and video file since the file is stored on the storage server.

Claim Rejections - 35 USC § 112

11) The following is a quotation of the first paragraph of 35 U.S.C. 112:

12) The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13) **Claims 1-12, and 60-115 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

14) Regarding claims 1,64, 80, 92, 104, and 105, the limitation of "without using any recording software stored on the user front end" is neither disclosed, defined nor described in the Specification as originally filed, and therefore constitutes new matter.

15) Regarding claims 114 and 115, the limitation of "not by any recording software stored on the user front end" is neither disclosed, defined

nor described in the Specification as originally filed, and therefore constitutes new matter.

16) Regarding claims 1, 64, 76, 80, 88, 92, 100 and 106-109, the limitation of “browser-executable code” is neither disclosed, defined nor described in the Specification as originally filed, and therefore constitutes new matter.

17) Regarding claim 104, the limitation of “user interface code” is neither disclosed, defined nor described in the Specification as originally filed, and therefore constitutes new matter. Specification on page 2, line 15-18, and page 6, lines 9-20 only discloses a code generator, and a user interface. It does not disclose “user interface code”, thus, the specification as originally filed does not provide support the claimed limitation.

18) Regarding claims 114 and 115, the limitation of “Flash recording application … to user front end, causes a user interface… and causes….on the user front end to the host back end" and "the streaming from the recording device is controlled by the Flash recording application" were not supported by the specification as originally filed. The only place in the specification as originally filed that mentioned “Flash recording application” is on page 11, lines 19-27. No where in this paragraph discloses **delivering a Flash recording application** is over the Internet **to a user front end**, wherein the **Flash recording application executed at the user front end**, ***causes* a user interface to be display** in the Internet browser, and **causes**

audio and video material to be streamed from a recording device on the user front end to the host back end, and streaming from the recording device **is controlled by the Flash recording application**. Claims 106-109 are similarly rejected for the aforementioned reason.

19) The following is a quotation of the second paragraph of 35 U.S.C. 112:

20) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

21) **Claims 1-12, and 60-115** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Re claims 1, 64, 80, 92, 104, and 105, recite "without using any recording software stored on the user front end" which creates ambiguity because the claims also require "delivering browser-executable code ... browser-executable code is executed... at the user front end and initiates the streaming of audio and video material from recording device on the user front end to...". That is, the browser-executable code (construed as stored software) is executed at the user front end to initiate the streaming of audio and video material from recording device on the user front end. This clearly indicates that software (i.e, downloaded browser-executable code or Flash recording application) is used at the front end in aiding recording of audio and video at the front end and streaming them back to the host. Consequently, it is NOT without using any recording software stored on the user front end.

22) Regarding claims 114 and 115, the limitation of "not by any recording software stored on the user front end" creates an ambiguity within the claim language, as well, for the aforementioned reasons.

Claim Rejections - 35 USC § 103

23) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

24) **Claims 1, 2, 4-9, 11, 12, 64, 65, 67-72, 74, 75, 80, 81, 83-87, 92, 93, 95-99, and 105-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liwerant et al. (US 2002/0056123 A1, hereinafter Liwerant) in view of Ludwig et al. (US 2001/0044826, hereinafter Ludwig).**

25) Re claim 1, Liwerant discloses, an Internet-based recording method for recording audio and video material over an Internet connection established between a user front end and a host back end, the method comprising: recording the audio and video material on the host back end (figure 1A, pars [0045] and [0048], "…sender A using a computer 10 sends a video segment in file form and any associated audio material (or a plurality of still images with their associated audio files)", "The streaming server D 40 transmits the video in streaming video format to the machine-readable storage 50, which, at the direction of the streaming server D 40, can store the video in streaming video format and also can store an identification tag for the video on itself or on the databases 60, 61"); and providing access to the

recorded audio and video material (figure 1A, par [0048], “The identification tag, or another identifier of the video, such as the thumbnail and/or the URL is communicated back to the sender A's computer 10 by way of one or more of the streaming server D 40, the processing server C 30, and the mail server B 21. The operator of sender A's computer 10 can then use the identifier to request that the video be streamed to sender A's computer 10 for viewing, and/or the operator of sender A's computer 10 can provide the identifier to another viewer”). The embodiment, from Liwerant, fails to explicitly disclose delivering browser-executable code to automatically establish a connection between the user front end and the host back end to initiate streaming of media.

26) In another embodiment, illustrated by figure 6, Liwerant discloses the VideoShare Producer 20 software contacts the host computer 60, which in one embodiment is the VideoShare Upload/Database Server at the VideoShare hosting facility. This portion of the automated process is denoted by the box 645 labeled "Transfer ("upload") temporarily stored SMF file and JPEG thumbnail identifier to host computer 60." The VideoShare Producer 20 software notifies the host computer 60 that the user wishes to place his or her video into a repository maintained by the host computer 60, which in one embodiment can be the VideoShare VideoCenter, which is a repository of all recorded and uploaded videos to date. This upload is performed automatically using a direct TCP/IP socket connection over a specific connection port of the

user's computer known as port 80. The VideoShare Producer 20 software uses a standard communications protocol to perform this transfer to the host computer 60 (par [0129, figure 6A, user interface code or browser-executable code is inherently used to communicate between the host computer and the server and to notify the host computer that data is to be streamed to the server or host computer). Liwerant further discloses a user of the system, such as a private individual working from home, or a professional working from a business, employs a computer system 10. The computer system 10 can include a computer which can be a personal computer of conventional type such as a desktop or laptop computer, a hand held device such as a PDA, or a more powerful computer such as a workstation, a server, a minicomputer, a mainframe, or the like. The computer system 10 can operate software including a web browser such as Microsoft Internet Explorer or Netscape Navigator or Communicator or the like, for communication over a network such as the Internet using the World Wide Web (hereinafter "the Web"), or to permit wireless communication. The computer system 10 can operate software that can manipulate video segment files. Conventional commercially available personal computers typically have sufficient capability to meet these requirements (par [0077]). A typical computer provides a more than adequate mechanism for delivering browser-executable code which is executed through an Internet browser.

27) It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an Internet-based recording method, as claimed, to stream media (i.e. video/audio) from a user front end and store said media on a host back end; meanwhile delivering user browser-executable code to automatically establish a connection between the user front end and the host back end to initiate streaming of media. Since Liwerant discloses, in an embodiment, an Internet-based recording method for streaming and recording media from a user front end to a host back end, respectively; automatically delivering code to establish a connection for streaming, from another embodiment (par [0129]), would create a more user friendly recording experience by reducing the amount of steps that the user must initiate in order to record media from a camera.

28) Additionally, Liwerant fails to disclose that the audio and video material is streamed as it is being captured with the recording device, not as a complete video file on the user front end; and recording the audio and video material on the host back end and storing the recorded audio and video material as a complete video file, without using any recording software stored on the user front end.

29) Ludwig discloses a multimedia conference recording system which utilizes real-time network delivery of audio and video to a network storage server. Once a multimedia network connection is established between client workstations and the audio/video storage, as soon as the client starts

recording, the storage server routes the output from the compression hardware to an audio/video file allocated on its local storage devices (par [0230]). For playback, the server reads stored video segments from its local disk and routes them through the decompression engines back to client workstations for local display (par [0226]). However, Ludwig further discloses that it can be more efficient to transfer an entire audio/video file from the storage server to the client workstation, cache it on the workstation's disk, and play it back locally (par [0226], in other words the audio and video is stored as a complete file on the host back end and then sent to the client workstation). Although, Ludwig discloses using client multimedia workstation (CMW), so called “workstation software”, Ludwig does not mention that the software is used as recording software. CMW is used to establish a connection between client workstations and the audio/video storage. This connection allows a user to record an output from compression hardware to an audio/video file on storage device via the real-time audio/video storage server. There is no proof that Ludwig uses “recording software” even though "workstation software" is used to establish a connection between the workstation and the storage server.

30) One of ordinary skill in the art at the time of the invention was made would have been motivated to combine the conference recording system of Ludwig with the internet based recording method of Liwerant in order to reduce the amount of time needed to send video and audio to another client

station as well as allowing a user to view and later review the audio and video file since the file is stored on the storage server.

31) Re claim 2, Liwerant discloses the limitations of claim 1 including enabling recorded audio and video material on the host back end to be reviewed at the user front end (par [0048], "The operator of sender A's computer 10 can then use the identifier to request that the video be streamed to sender A's computer 10 for viewing").

32) Re claim 4, Liwerant discloses the limitations of claim 1 including in response to input from the user front end, linking the recorded audio and video material at the host back end to a pointer that is placed at an additional location, wherein activating the pointer provides access to the recorded audio and video material at the host back end (pars [0048] and [0072]).

33) Re claim 5, Liwerant discloses the limitations of claim 4 including wherein the pointer is a hyperlink (par 0072]).

34) Re claim 6, Liwerant discloses the limitations of claim 1 including producing hypertext markup language code associated with the recorded audio and video material to facilitate accessing the recorded audio and video material (par 0073]).

35) Re claim 7, Liwerant discloses the limitations of claim 1 including enabling access to the recorded audio and video material at the host back end from at least one additional location by copying the hypertext markup

language code produced at the host back end and pasting the hypertext markup language code to the at least one additional location (par [0158]).

36) Re claim 8, Liwerant discloses the limitations of claim 7 including wherein the at least one additional location is an auction site (par [0065]).

37) Re claim 9, Liwerant discloses the limitations of claim 1 including enabling recorded audio and video material on the host back end to be edited from the user front end (see figure 9, par [0162], a user may inherently alter the speed of playback , i.e. pressing the fast-forward or reverse button in Windows Media Player, altering the speed of playback is a form of editing and is performed after the video is stored on the host side).

38) Claim 11 is rejected as applied to claim 1 (par [0012]).

39) Claim 12 is rejected as applied to claim 1 (pars [0052]-[0053]).

40) Claims 64, 65, 67-72, 74 and 75 are considered apparatus claims which correspond to method claims 1, 2, 4-9, 11 and12, respectively. Please see the discussion above for those claims. The system for performing the method steps as claimed would have been anticipated by the video sharing system of Liwerant.

41) Claims 80, 81 and 83-87, recite essentially the same scope as method claims 1, 2, 4, 5 and 7-9, respectively. However, Instead of delivering user interface code, the code is now received, which is an essential step in the aforementioned method claims. Claims 80, 81 and 83-87 are rejected for the reasons stated for claims 1, 2, 4, 5 and 7-9.

42) Claims 92, 93 and 95-99 are considered apparatus claims which correspond to method claims 1, 2, 4-6, 8 and 9 respectively. Please see the discussion above for those claims. The system for performing the method steps as claimed would have been anticipated by the video sharing system of Liwerant.

43) Claim 105 is rejected as applied to the above claims. Additionally, Liwerant discloses that the computer system 10 can include a computer which can be a hand held device such as a PDA (par [0077]).

44) Re claim 106, the combination of Liwerant and Ludwig discloses a the browser-executable code is a Flash recording application (Since the downloaded software disclosed in paragraphs 0078 and 0083 of Liwerant is downloaded over IP to a user front end and executed at the front end to cause the audio and video (paragraphs 101-0104) to be streamed from a recording device on the user front end to the host back end, it is considered as “Flash recording application”).

45) Claims 107-109 depend on alternate base claims but recite the same limitation as claim 106 and are rejected for the reasons mentioned above for claim 106.

46) Claims 110-113 pertain to the system of each respective bas claim wherein no recording software is stored on the user front end. Although, Ludwig discloses using client multimedia workstation (CMW), so called “workstation software”, Ludwig does not mention that the software is used as

recording software. CMW is used to establish a connection between client workstations and the audio/video storage. This connection allows a user to record an output from compression hardware to an audio/video file on storage device via the real-time audio/video storage server. There is no proof that Ludwig uses “recording software” even though "workstation software" is used to establish a connection between the workstation and the storage server.

47) Re claim 114, Liwerant discloses, an Internet-based recording method for recording audio and video material over an Internet browser connection established between a user front end and a host back end, the method comprising:

48) delivering a Flash recording application over the Internet to a user front end, wherein:

49) the Flash recording application is executed through an Internet browser at the user front end (Since the downloaded software disclosed in paragraphs 0078 and 0083 of Liwerant is downloaded over IP to a user front end and executed at the front end to cause the audio and video (paragraphs 101-0104) to be streamed from a recording device on the user front end to the host back end, it is considered as “Flash recording application”), causes a user interface to be displayed in the Internet browser (fig 3 reference character 4), and causes audio and video material to be streamed from a recording device on the user front end to the host back end over the Internet in response to a user interaction with the user interface (figure 1A, pars [0045]

and [0048], "…sender A using a computer 10 sends a video segment in file form and any associated audio material (or a plurality of still images with their associated audio files)", "The streaming server D 40 transmits the video in streaming video format to the machine-readable storage 50, which, at the direction of the streaming server D 40, can store the video in streaming video format and also can store an identification tag for the video on itself or on the databases 60, 61"),

50) associating the recorded audio and video material with a hyperlink; providing access to the recorded audio and video material via the hyperlink; and providing hypertext markup language code capable of being copied and embedded in a web page to facilitate accessing the recorded audio and video material through the web page, the hypertext markup language code comprising at least a portion of the hyperlink (figure 1A, par [0048], "The identification tag, or another identifier of the video, such as the thumbnail and/or the URL is communicated back to the sender A's computer 10 by way of one or more of the streaming server D 40, the processing server C 30, and the mail server B 21. The operator of sender A's computer 10 can then use the identifier to request that the video be streamed to sender A's computer 10 for viewing, and/or the operator of sender A's computer 10 can provide the identifier to another viewer").

51) Liwerant fails to explicitly disclose the audio and video material is streamed over the Internet as it is being captured with the recording device,

not as a complete video file on the user front end, and the streaming from the recording device is controlled by the Flash recording application being executed through the Internet browser, not by any recording software stored on the user front end; recording the audio and video material on the host back end and storing the recorded audio and video material as a complete video file.

52) Ludwig discloses a multimedia conference recording system which utilizes real-time network delivery of audio and video to a network storage server. Once a multimedia network connection is established between client workstations and the audio/video storage, as soon as the client starts recording, the storage server routes the output from the compression hardware to an audio/video file allocated on its local storage devices (par [0230]). For playback, the server reads stored video segments from its local disk and routes them through the decompression engines back to client workstations for local display (par [0226]). However, Ludwig further discloses that it can be more efficient to transfer an entire audio/video file from the storage server to the client workstation, cache it on the workstation's disk, and play it back locally (par [0226], in other words the audio and video is stored as a complete file on the host back end and then sent to the client workstation). Although, Ludwig discloses using client multimedia workstation (CMW), so called “workstation software”, Ludwig does not mention that the software is used as recording software. CMW is used to establish a connection between

client workstations and the audio/video storage. This connection allows a user to record an output from compression hardware to an audio/video file on storage device via the real-time audio/video storage server. There is no proof that Ludwig uses “recording software” even though "workstation software" is used to establish a connection between the workstation and the storage server.

53) One of ordinary skill in the art at the time of the invention was made would have been motivated to combine the conference recording system of Ludwig with the internet based Flash recording method of Liwerant in order to reduce the amount of time needed to send video and audio to another client station as well as allowing a user to view and later review the audio and video file since the file is stored on the storage server.

54) Claim 115 recites the elements which comprise the system for executing the method steps of claim 114 and is rejected for the aforementioned reasons.

55) **Claims 3, 10, 60-63, 66, 73, 76-79, 82, 88-91, 94, and 100-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liwerant in view of Ludwig in view of Official Notice.**

56) Claim 3 pertains to enabling recorded audio and video material on the host back end to be re-recorded from the user front end. Although, Liwerant and Ludwig fail to explicitly disclose that the recorded material on the back end is re-recordable from the user front end, Official Notice is taken

to note that replacing a file with another file, typically newer, is notoriously well known and used in the related art. It would have been obvious to incorporate the recording method of Liwerant and Ludwig for streaming and recording media to a host back end; meanwhile overwriting or re-recording, certain media files in order to conserve storage space.

57) Re claim 10, the combination of Liwerant and Ludwig fails to explicitly disclose that the audio data stored at the host back end may be re-dubbed in response to a user input from the front end. Official Notice is taken to note that re-dubbing audio signals based on a user input is notoriously well known and used in the related art. It would have been obvious to incorporate the recording method of Liwerant for streaming and recording media to a host back end; meanwhile re-dubbing audio signals for the benefit of synchronizing the audio with a corresponding video signal.

58) Claim 60 is rejected as applied to claim 1 (figures 7 and 8, reference characters 700 and 800, pars [0151]-[0152]). The progress dialog screen indicating that the files are being processed is a display which is construed by examiner to be a user interface. However, the combination of Liwerant and Ludwig fails to explicitly disclose that the user interface is generated in the Internet browser. Official Notice is taken to note that generating a user interface in an Internet browser based on the browser-executable code is notoriously well known and used in the related art. It would have been obvious to incorporate the recording method of Liwerant and

Ludwig for streaming and recording media to a host back end; meanwhile generating said user interface via browser-executable code in an Internet browser for the benefit of providing a standard means for navigation within the browser or for providing a standard means for viewing status of a pending file transfer.

59) Claim 61 is rejected as applied to claim 60 (figure 7, pars [0151],[0100]). The phrase "video material" is broadly interpreted to mean any material relating to the video, which in the immediate case is the status of the process of video, displayed within the dialog screen.

60) Claims 62 and 63 recite essentially the same scope as the aforementioned claims and are rejected for the reasons stated above.

61) Claims 76-79 recite essentially the same scope as claims 60-63 and are rejected for the reasons stated above.

62) Claims 66 and 73 are considered apparatus claims which correspond to method claims 3 and 10, respectively. Please see the discussion above for those claims. The system for performing the method steps as claimed would have been implied and expected by the video sharing system of Liwerant.

63) Claims 82 and 88-91, recite essentially the same scope as method claims 3 and 60-63, respectively. However, Instead of delivering user interface code, the code is now received, which is an essential step in the aforementioned method claims since merely generating the code would be

fruitless without delivering said code to establish a connection. Claims 82,88-91 are rejected for the reasons stated for claims 3,60-63.

64) Claims 94 and 100-103 are considered apparatus claims which correspond to method claims 3, 60 and 63, respectively. Please see the discussion above for those claims. The system for performing the method steps as claimed would have been implied and expected by the video sharing system of Liwerant.

65) Claim 104 is rejected as applied to the above claims. Although Liwerant fails to explicitly disclose using a Wi-Fi connection, Official Notice is taken to note that a Wi-Fi connection to access the Internet is notoriously well known and used in the related art. It would have been obvious to incorporate the recording method of Liwerant and Ludwig for streaming and recording media to a host back end; meanwhile using Wi-Fi to establish an internet connection would have been obvious to utilize for the benefit of providing a wireless and less restrictive means for connecting to the Internet, in order to easily access and upload video data.

Contact

66) Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOEL FOSSELMAN whose telephone number is (571)270-3728. The examiner can normally be reached on 9:00 AM - 6:00 PM M-F, EST.

67) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

68) Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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